

REMARKS

Upon entry of this Response, claims 14, 16, 17, 19, and 20-35 will be pending in this application including independent claims 14, 21, and 30.

Claim 14 has been amended, and new claims 21-35 have been added. Support for the claim amendments and new claims can be found in the specification and drawings as originally filed. No new matter has been added. Favorable reconsideration and allowance of the pending claims are requested.

Claim Rejections – 35 U.S.C. § 103

Claims 14, 17, 19, and 20

Claims 14, 17, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number (USPN) 6,219,653 to O'Neill et al. ("O'Neill") in view of United States Published Patent Application No. 2003/0236736 to Harmon et al. ("Harmon") and USPN 7,240,026 to Satchell et al. ("Satchell"). Applicants respectfully traverse this rejection.

While Applicants disagree with the grounds of rejection set forth in the Office Action, independent claim 14 has been further amended to advance prosecution. In contrast to the teachings of O'Neill, Harmon, and/or Satchell, amended independent claim 14 recites, among its other elements, maintaining a rules set with said central exchange for an originating broker affiliate to identify goods and/or services available for sale directly to customers which are to be shown on a website of the originating broker affiliate and to identify goods and/or services available for sale to customers by other broker affiliates which are to be shown on respective websites of the other broker affiliates. Amended independent claim 14 also recites the rules set specifying transaction conditions with respect to goods and/or services available from the originating broker affiliate for sale to customers by other broker affiliates for transactions conducted via said distributed network.

Among its other deficiencies, O'Neill clearly does not disclose at least these features recited by amended independent claim 14. Applicants submit that there is no teaching or suggestion in O'Neill of a distributed network having a web inventory

sharing function that allows an originating broker affiliate to identify goods and/or services available for sale directly to customers which are to be shown on a website of the originating broker affiliate and to identify goods and/or services available for sale to customers by other broker affiliates which are to be shown on respective websites of the other broker affiliates. O'Neill also does not disclose specifying transaction conditions with respect to goods and/or services available from the originating broker affiliate for sale to customers by other broker affiliates for transactions conducted via the distributed network.

When addressing independent claim 14, the Office Action relies on portions of O'Neill related to a freight calculation system. To the extent that O'Neill mentions a broker, it merely states that a broker site 16 comprises one or more buyer clients 22 and seller clients 24 to perform both buyer and seller activities using system 10 depending upon the particular transaction to be executed. And, while the Office Action relies on the profile data described in O'Neill, such profile data is established by seller clients for buyer clients according to the teachings of O'Neill and clearly does not comprise a rules set specifying transaction conditions according to the method of amended independent claim 14. Applicants further submit that Harmon and Satchell also do not disclose such features of amended independent claim 14 and do not remedy the deficiencies of O'Neill with respect to the features recited by amended independent claim 14.

In view of the above, Applicants submit none of O'Neill, Harmon, and Satchell teaches or suggests all the features recited by amended independent claim 14. Consequently, even if O'Neill, Harmon, and Satchell could be combined, which Applicants do not admit, such combination would not teach or suggest all of the features of amended independent claim 14. Further, there is no teaching, suggestion, or motivation to modify O'Neill, Harmon, and/or Satchell to include all of the recited features of amended independent claim 14. Applicants also submit that modification of O'Neill, Harmon, or Satchell to include the features of amended independent claim 14 would be contrary to the explicit teachings and principles of operation of such references. Therefore, O'Neill, Harmon, and Satchell, whether taken alone or in combination with each other, are insufficient to establish obviousness under § 103(a) with respect to amended independent claim 14.

For at least the foregoing reasons, Applicants submit that amended independent claim 14 is allowable and that dependent claims 17, 19, and 20 are also allowable by virtue of their dependency from an allowable claim, as well as on their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claims 14, 17, 19, and 20.

Claim 16

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neill in view of Harmon and Satchell and further in view of United States Published Patent Application No 2002/0174028 to Anderson et al. ("Anderson"). Applicants respectfully traverse this rejection.

Applicants submit that Anderson does not disclose the features of amended independent claim 14 and does not remedy the deficiencies of O'Neill, Harmon, and Satchell with respect to the features recited by amended independent claim 14, as discussed above. Consequently, even if O'Neill, Harmon, Satchell, and Anderson could be combined, which Applicants do not admit, such combination would not teach or suggest all of the features of amended independent claim 14. Further, there is no teaching, suggestion, or motivation to modify O'Neill, Harmon, Satchell, and/or Anderson to include all of the recited features of amended independent claim 14. Applicants also submit that modification of O'Neill, Harmon, Satchell, or Anderson to include the features of amended independent claim 14 would be contrary to the explicit teachings and principles of operation of such references. Therefore, O'Neill, Harmon, Satchell, and Anderson, whether taken alone or in combination with each other, are insufficient to establish obviousness under § 103(a) with respect to amended independent claim 14.

For at least the foregoing reasons, Applicants submit that amended independent claim 14 is allowable and that dependent claim 16 is also allowable by virtue of its dependency from an allowable claim, as well as on its own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claim 16.

Additional Claims

Claims 21-35 have been added including new independent claims 21 and 30. Applicants submit that none of the cited references, including O'Neill, Harmon, Satchell, and Anderson, teaches or suggests all of the features of the new independent claims regardless of whether such references are taken alone or in combination with each other.

Accordingly, Applicants submit that new claims 21-35 are in condition for allowance.

Conclusion

It is believed that claims 14, 16, 17, 19, and 20-35 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicants do not otherwise concede, however, the correctness of the Office Action with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

Respectfully submitted,

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Under 37 CFR 1.34(a)

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